

KIFA Muhammad A.K.A. MARCO Johnson ATV225  
Name and Prisoner/Booking Number  
Santa Rita Jail  
Place of Confinement  
5325 Broder Blvd  
Mailing Address  
Dublin, CA 94568  
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

MAR 08 2021

CLERK, U.S. DISTRICT COURT  
IN THE UNITED STATES DISTRICT COURT OF CALIFORNIA  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
DEPUTY CLERK

KIFA Muhammad  
(Full Name of Plaintiff) Plaintiff,  
v.  
(1) CASILLA Correctional officer  
(Full Name of Defendant)  
(2) J. Castro Correctional officer  
(3) J. J Fisher Correctional officer  
(4) C. BERNARD Correctional officer  
Defendant(s).  
☒ Check if there are additional Defendants and attach page I-A listing them

CASE NO. 2:21-cv-411 KJN (PC)  
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT  
BY A PRISONER

- ☒ Original Complaint  
☐ First Amended Complaint  
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

- ☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983  
☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).  
☐ Other: \_\_\_\_\_

2. Institution/city where violation occurred: Deuel Vocational Institution (DVI)

### B. DEFENDANTS

1. Name of first Defendant: CASILLA. The first Defendant is employed as:  
\_\_\_\_\_  
(Position and Title) at \_\_\_\_\_ (Institution)
2. Name of second Defendant: J. Castro. The second Defendant is employed as:  
\_\_\_\_\_  
(Position and Title) at \_\_\_\_\_ (Institution)
3. Name of third Defendant: J. J. Fisher. The third Defendant is employed as:  
\_\_\_\_\_  
(Position and Title) at \_\_\_\_\_ (Institution)
4. Name of fourth Defendant: C. Bernard. The fourth Defendant is employed as:  
\_\_\_\_\_  
(Position and Title) at \_\_\_\_\_ (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

*See Additional defendant*

### C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 2. Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: Muhammad v. CCA
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) I dropped the case
  - b. Second prior lawsuit:
    1. Parties: Muhammad v. SAN JOAQUIN JAIL
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) I won the case
  - c. Third prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

**D. CAUSE OF ACTION**

**CLAIM I**

1. State the constitutional or other federal civil right that was violated: Am. 14 Amendment Eighth Amendment

2. **Claim I.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

see attached

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

see attached

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

**CLAIM II**

1. State the constitutional or other federal civil right that was violated: AMERICANS WITH DISABILITIES ACT (ADA)

2. **Claim II.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim II. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

see attached

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

see attached

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim II? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim II to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

**CLAIM III**

1. State the constitutional or other federal civil right that was violated: 5<sup>th</sup> Amendment

2. **Claim III.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim III. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

See attached

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

See attached

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim III? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim III to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

**E. REQUEST FOR RELIEF**

State the relief you are seeking:

*See attached*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

*3/1/21*  
DATE

*[Signature]*  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint)

\_\_\_\_\_  
(Signature of attorney, if any)

\_\_\_\_\_  
(Attorney's address & telephone number)

**ADDITIONAL PAGES**

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.



KIFA MUHAMMAD T-45669 A.K.A. MARCUS JOHNSON ATV225  
SANTA RITA Jail  
5325 Broder Blvd.  
Dublin, CA 94568  
IN PRO PER

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIFA MUHAMMAD  
Plaintiff,  
V.  
Casilla, et al.  
Defendants.

CASE NO.

COMPLAINT WITH JURY DEMAND

Introduction:

This is a civil rights action filed by Kifa Muhammad, a state prisoner but who is back in the county jail under the name Marcus Johnson. I am seeking damages injunctive relief under 42 U.S.C. 1983 alleging violations of the Eighth Amendment, American with Disabilities Act (ADA), The Due Process Clause of the Fifth Amendment and The Fourteenth Amendment, Mental or Emotional Injury.

Jurisdiction:

1) The Court has jurisdiction over the plaintiff's claims of violation of federal constitutional rights under 42 U.S.C. 1331(1) and 1343.

TITLE OF DOCUMENT: \_\_\_\_\_ CASE NO.: \_\_\_\_\_

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Parties:

(2) The plaintiff, KIFA MUHAMMAD was incarcerated at Deuel Vocational Institution (DVI) during the events described in this complaint.

(3) The Defendants Casilla, and J. Castro are correctional officers employed at D.V.I. They are sued in individual and official capacities.

(4) The Defendants J. J. Fisher and C. Bernard are correctional officers employed at D.V.I. They are sued in individual and official capacities.

(5) The Defendant Jane Doe is a nurse employed at D.V.I. She is sued in her individual and official capacity.

Facts:

(6) ON February 5, 2020 plaintiff had a doctor appointment to (foot doctor) J. Welborn in Pinole, CA. To get a check up on my foot.

(7) While being taken to Van 10 CA exempt 152 or 151 number on Van by officer Casilla with officer J. Castro I explained to them which they knew I was ADA and must be taken in my wheelchair. CASILLA knew because he had took me before and knew about my medical issues I had. The ADA truck they were suppose to use they didn't like it and it was used for wheelchairs.

(8) Therefore CASILLA told the other three officers he would have to take the slow truck and one of them told him to just take the van. Upon hearing that he told me we were taking the van to slide in so he can strap me in. He and J. Castro told me to sit on the steps of the Van while they help raise me into the van. At that point, I was

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1 ON the seat and then CASILLA placed the cuff back on my  
2 feet and was done. I told him I needed a container so  
3 I can pee on the way, because I was on water pills due  
4 to my high blood pressure.

5 9) They made a stop before leaving the prison to get  
6 their guns and I told CASILLA that I didn't like the VAN  
7 because it was a tight fit and I reminded him and CASTRO  
8 that I was claustrophobic, and CASILLA knew from the last  
9 trip. I was told we can turn around and go back or I can  
10 just relax, it is going to be a long ride.

11 10) As we left the prison I was in one van by myself  
12 while the other inmates were in the other VAN. We were  
13 on a one-way lane with oncoming traffic in the other lane.  
14 The officer driving the other VAN I couldn't see but CASILLA  
15 WAS driving the VAN I was in.

16 11) Around 20 minutes later the officers started racing in  
17 both of the VANS we were in, we were in the lane of the  
18 oncoming traffic. Maybe after 10-20 minutes CASILLA slammed  
19 on his brakes as we swayed off the road. He pulled  
20 over into a dirt area as we had just almost collided with  
21 a car head on.

22 12) At this time, CASILLA and CASTRO both got out of the VAN.  
23 My head, foot and elbow had hit the gate. I was  
24 not wearing a seat belt and flew into the gate.  
25 I told both of them I was shook up and I want-  
26 ed to go back. I was nervous, scared and emotionally  
27 tensed. The whole event had my nerves bad, officers racing  
28 with my life in their hand.

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13) I seen CASILLA WAS nervous as well, he walked back and forth while the other VAN kept going. At this point, we didn't go back like I wanted we kept going.

14) Once getting to the foot doctor, I asked to use the bathroom and get fresh air, because I was dazed, hurt and nervous. I had showed the officers my knee and arm was bleeding. My knee and foot was in a lot of pain, and I told them that.

15) I WAS told it would be an hour to see the doctor so we have to wait in VAN. I kept saying take me back I don't feel good. I asked to sit outside or in doctor office and I was told no. I started having anxiety attacks, I WAS sweating and had trouble breathing. I start having A bad headache. I kept asking to use the bathroom and for water which they did for a couple of times.

16) AS CASILLA WAS talking to Fisher, I yelled out to him like he told me to do and Fisher came and opened the door saying what? I told him to look at the medical paper that I am claustrophobic and going through an emotional time in this VAN not being able to breath in this tight space chained up with my feet, my hands and waist. He told me there is nothing he can do and were all a team and not leaving until everyone is done. We had been there over 4 hours.

17) I explained that being threw to the front of the van chained up and I am having anxiety attacks from this small space and being shook up I need to leave feel like im going crazy. I want to leave. He told me, ill be okay and he closed the door.

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18) ONCE I seen the doctor he said "my foot was looking good last time he saw me." I then explained to him coming here today we almost got into A wreck and my foot and body hit the gate. He said "it dont look good."

19) As we got back to the prison I seen the nurse before I was cleared to go back to my cell. I had explained to her we almost had A wreck and I showed her the cut on my Arm and knee. My arm and knee was swollen at the same time and I explained to her that I was still shook up. She told me that my blood pressure was high. I told her I want to see the doctor and she told me to put in for sick call and cleared me to go back.

20) After waiting to see the doctor after over A month I had Xrays and the doctor told me that my foot was broke again and it showed I had problems with my knee. Then my foot was placed in A splint.

### Exhaustion of Administrative Remedies

21) The plaintiff has exhausted his administrative remedies  
Claims for Relief

22) The actions of defendants Casilla, Castro, Fisher and Benard in racing their Vans without regard to life or without need or provocation or in failing to intervene to stop this misuse of authority that was done maliciously and sadistically and constituted emotional injury, 8<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendments.

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23) The actions of defendants CASILLA, CASTRO, FISHER and BERNARD for allowing plaintiff to suffer emotional or mental injury from being locked up in A VAN for more than 6 hours handcuffed while being claustrophobic and in pain with A broken foot, A swollen knee and arm bleeding. Constituted punishment in violation of the 8<sup>th</sup>, 14<sup>th</sup> and 5<sup>th</sup> Amendments with emotional injury.

24) The actions of defendants CASILLA, CASTRO, FISHER and BERNARD placing plaintiff in A VAN instead of the right vehicle to transport him to the doctor. This was done MALICIOUSLY with intent to race without any need or provocation or in failing to intervene which constituted an ADA Violation, 8<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendments.

25) The actions of defendants JANE DOE, CASILLA, CASTRO, FISHER and BERNARD not writing A report to allow me to see the doctor and JANE DOE not following the protocols on if an inmate is hurt he must see A doctor to get cleared. They all failed to provide proper medical care violated plaintiff's 8<sup>th</sup>, 5<sup>th</sup>, 14<sup>th</sup> Amendments.

### Relief Requested

Wherefore, Plaintiff requests that the Court grant the following relief:

### A Issue an Injunction

1) Ordering immediately arrange for the plaintiff's foot to be examined by A qualified physician.

2) Immediately arrange for the plaintiff to be followed up with medical treatment.

3) Carry out without delay the treatment directed

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1 by such medical practitioner.

2 B. Award compensatory damages in the following amounts:

3 1) \$100,000 jointly and severally against defendants

4 Jane Doe, Casilla, Castro, Fisher and Bernard for  
5 the physical and emotional injuries sustained as a result  
6 of the plaintiff's emotional injury and physical injury.

7 2) \$100,000 jointly and severally against defendants

8 Jane Doe, Casilla, Castro, Fisher and Bernard for the  
9 physical and emotional injury resulting from their failure  
10 to provide adequate medical care to the plaintiff.

11 3) \$100,000 jointly and severally against defendants

12 Casilla, Castro, Fisher and Bernard for the punishment of  
13 racing and placing plaintiff in a van he was not suppose  
14 to be in.

15 C. Award punitive damages in the following amount

16 1) \$25,000 each against defendants Jane Doe, Casilla, Castro,  
17 Fisher and Bernard

18 D. Grant such other relief as it may appear that plaintiff  
19 is entitled to.  
20  
21  
22  
23

24 [You must sign and date.]

25 Respectfully submitted,

26  
27 Date:

3/1/21

28 Sign Name:

KIFA MUHAMMAD

Print Name:

KIFA MUHAMMAD

NOTICE AND MOTION [type of motion]

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